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No. 05-1373

FILED
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

In The
Supreme Court of the United States

JOYCE ANNE DABISH

Petitioner,

v.

DAIMLERCHRYSLERCORPORATION, INTERNATIONAL UNION, AUTOMOBILE, AEROSPACE AND AGICULTURAL IMPLEMENT WORKERS OF AMERICA; STERLING STAMPING PLANT; WORKERS UAW LOCAL 1264.

Respondents.

Request For Reconsideration Of Denial Of Petition For Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

REPLY IN SUPPORT OF RECONSIDERATION OF DENIAL OF PETITION FOR WRIT OF CERTIORARI

JOYCE ANNE DABISH
IN PRO SE

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The reasons why this Honorable Supreme Court should grant this PETITION FOR RECONSIDERATION OF THE DENIAL OF PETITION FOR WRIT OF CERTIORARI are: (1) consider the issue of courts hearing cases not in their jurisdiction or cases not covered by their individual court rules. Courts should only be allowed to hear and to docket cases within their judicial jurisdiction and in compliance with their own stated court rules. In choosing to hear the Petitioner's Motion to Remand the appealed case back to the district court; the Sixth Circuit Court of Appeals clearly denied the Petitioner full due process rights to have the Motion To Remand heard in the appropriate jurisdiction. The Sixth Circuit actions were clearly a case of Justice Denied and not judicial discretion. The Petitioner filed the Motion on July 14, 2004. The Sixth Circuit did not issue It's ruling until February 9, 2005 and did not brother to inform the Petitioner of FRCP R.60 and/or of the wrong jurisdiction for the motion. Not aware of the wrongful jurisdiction the Petitioner filed for reconsideration. On April 13, 2005 after the one year period to file such a motion had lapsed; the Sixth Circuit finally informed the Petitioner of FRCP R.60 and of the wrong jurisdiction for the filing. (2) The Petitioner was clearly denied the right to have had the Motion heard in the appropriate jurisdiction. The fact that the Petitioner waited eight(8) months for the first ruling with no notification of FRCP R.60 and of the wrong jurisdiction clearly shows that the Court was using the Petitioner's Pr Se status and It's so-called judicial discretion to clearly deny due process to the Petitioner; (3) Instead of giving consideration to the fact that the Petitioner was In Pro Se and protecting the Petitioner's due process rights; the Court instead used It's office to ensure that the Petitioner's rights were denied rather than protected and acted to prevent the Petitioner from filing a correct timely Motion in the right jurisdiction by using "judicial discretion"

and the Petitioner's lack of knowledge about FRCP R.60 to deny the Petitioner the right to due process rather than to take the proper action to inform the Petitioner and insure the right to full due process. (4)The actions of the Sixth Circuit; (a) in hearing the Petitioner's case in violation of Its own Court Rules; (b) the inordinate time delay in issuing It's first ruling; and(c) the failure to timely inform the Petitioner of FRCP R.60 clearly shows a blatant abuse of judicial power and NOT an exercise in judicial discretion. (5) If it is true that no person is above the law then it must be also be true that no court stands above it's own stated rules. If courts do not adhere to Their own rules no litigant should be compelled to any adherence to those same rules. The justice system in this country depends on the rule of law, the administration of law and the adherence to stated laws. The "guise" of judicial discretion cannot be accepted by this Honorable Supreme Court when that so-called" discretion" is used as the Sixth Circuit made use of "judicial discretion" to deny due process to the Petitioner.

This Honorable Supreme Court must demand that all courts under It's jurisdiction adhere to their own stated rules. No court should exercise judicial discretion when that discretion is used at the expense of litigants to violate their rights to due process. No court should exercise judicial discretion if litigants are denied due process in any respect. No court should have cases on it's docket that are not in keeping with it's own stated court rules. No court should be permitted to "clog" it's docket with any cases that do not belong in it's jurisdiction. The Sixth Circuit was clearly guilty of "court clog" for taking a case out of It's jurisdiction and wasting the Court's time as well as taxpayer money ruling on a case It should never have ruled on with the final result being a blatant denial of due process to the Petitioner to have had the Motion heard in the appropriate jurisdiction. This petition is worthy of

review by this Honorable Supreme Court because it speaks to the issue of how all pro se litigants are treated in all court systems. The concept of fairness and equal justice under the law and under the applicable court rules being administered equally to all litigants is also at issue. This Honorable Supreme Court should not permit courts to clog their dockets with cases that do not belong in their jurisdiction. All courts should be ordered by this Supreme Court to inform all litigants of wrongful filings and to inform the litigant of the correct jurisdiction. This Honorable Supreme Court must end this time-consuming, wasteful practice that fills countless court dockets costing millions of dollars and endless appeals throughout this countries' court systems. The Petitioner is an example of an appeal that should never have come before this Supreme Court.

This petition is worthy of review by this Supreme Court.

The decision of the United States Court of Appeals should be reversed for all of the reasons given.

For the foregoing reasons, the Request for Reconsideration of the Denial of Petition For Writ of Certiorari should be granted.

Respectfully submitted,

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